



U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
REGION ONE
P.O. Box 1747
Trenton, New Jersey 08607

May 6, 1966

IN REPLY REFER TO:

Maintenance of Control of
Access by Fencing

Mr. James J. Malloy
Assistant Supervising Engineer
Program Control
New Jersey State Highway Department
Trenton, New Jersey

Dear Mr. Malloy:

Enclosed for the guidance of the Department are three copies of
IM 20-2-66 relative to the above subject.

Please note that for fully controlled-access or freeway type
highways, continuous fencing should be included where it is
necessary in order to effectively preserve access control.

It should also be noted that the type of fencing to be installed
should conform to the AASHO policy, which states that "the lowest
cost type of fence suited to the specific purpose should be
provided."

Very truly yours,

H. P. Beschenbossel
Division Engineer

ENCLOSURE

Distribution - 5-9-66

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U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
WASHINGTON, D.C. 20235

April 29, 1966

INSTRUCTIONAL MEMORANDUM 20-2-66
39-01

SUBJECT: Maintenance of Control of Access by Fencing

On the basis of our observation of the problem there is a growing belief here that the control of access lines are being consistently violated by adjacent property owners in a number of States. The situation arises usually when the State highway department has not fenced the highway right-of-way on an Interstate or other controlled access facility. The evidence is largely circumstantial, consisting of wheel tracks on shoulders or slopes or in mud or snow coupled with observations of vehicles entering or leaving the thru lanes at field roads. Violations of this type also are being observed in interchange areas.

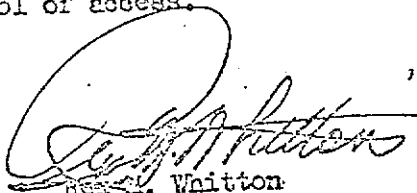
By Circular Memoranda of November 6, 1957 and August 6, 1959, Public Roads discouraged the fencing of rights-of-way unless there was a positively demonstrated need for such fencing. Our position at that time was based partially on a perhaps erroneous conclusion that policing along the Interstate highways would be adequate to enforce control of access without the physical barrier which a fence provides. Actually, of course, there are only a few States where there is policing of sufficient saturation to provide for adequate enforcement of access control. Our present position is that the "definite warranting conditions" called for in the AASHO Policy (1959) in fact exist over a majority of the controlled access mileage which we presently are constructing.

In the future for fully controlled-access or freeway type highways, the division engineer shall insist on continuous fencing on either the right-of-way or access-control line, unless it has been established to his satisfaction that such fencing is not necessary in order to effectively preserve access control. Engineering judgment should dictate exceptions in areas of precipitous slopes or natural barriers. Further, as opportunity presents, each division engineer is to review the completed segments of the Interstate System or other fully controlled-access highways in his State to determine if there is a need for additional fencing of completed work. Whenever additional fencing is found to be necessary to effectively control vehicular, pedestrian, or animal movements, or cropping on the right-of-way, arrangements should be made promptly with the State highway department to program projects to accomplish the work. The type of fencing used should conform to the AASHO policy.

In the extreme situation where a division engineer is unable to secure prompt compliance with the requirement for fencing, or other positive means to control access, he shall advise the Administrator promptly through the Regional Engineer, in order that additional steps may be taken.

In the past where a need has been established for fencing of a project already completed, questions have arisen concerning the earlier right-of-way settlements with landowners which included identified or unidentified allowances for fencing by them and where the landowner did not and has not provided the fencing. The existence of and the nonfulfillment of these prior settlements should not result in prolonging an unsafe condition. Accordingly, it will be acceptable hereafter that costs of fencing found necessary to control access on previously constructed projects receive full Federal-aid participation under a new Federal-aid project when it is established that fencing considered in the right-of-way settlement has not been constructed by the abutting property owner(s) or, if constructed, does not meet the standards required of controlled-access project fencing. For future projects, fencing payments (for lateral fencing along the highway right-of-way boundary) should not be made in right-of-way settlements if project fencing is to be provided or has been provided by the highway department.

The last sentence of numbered paragraph 1 of IM 20-3-60 is modified to refer to this IM rather than to the Circular Memorandum of August 6, 1959. Otherwise, IM 20-3-60 is reiterated and should be considered as applicable to any Federal-aid highway involving full control of access.



Kenneth Whitton
Federal Highway Administrator